

REMARKS

Applicants respectfully request reconsideration of the present application.

CLAIMS STATUS

Applicants have amended claim 23 to present the invention in a clearer manner. Applicants have amended claim 27 to correct an inadvertent typographical error. No new matter has been added. Applicants thank the Examiner for pointing out the error.

After the amendment, pending claims include examined claims 23-28 and withdrawn 11-12 and 21-22.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 23-28 stand rejected as obvious over Seki (US 3,961,020) taken with Oikawa (US 4,831,011) in view of Liang (5,462,908). Applicants respectfully traverse.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”, MPEP § 2143.03.

The PTO admits in the Office Action that Seki teaches neither the claimed oxygen level of carbon, nor the fiber form, see Office Action, page 2. With respect to the oxygen level of carbon, the PTO combines Seki with Liang, which, according to the PTO, “provides evidence that bromine treatment reduces the surface oxygen content.” Based on the combination of Seki and Liang, the PTO asserts that arriving “at the claimed oxygen level, if not inherently possessed, is an obvious expedient to optimize the bed activity.” The PTO, however, does not provide any documentary evidence to support such an assertion. Without the documentary evidence, Applicants find it difficult to address the rejection in a principled manner. Accordingly, Applicants respectfully request the PTO to provide a documentary evidence to support the assertion on the oxygen level of carbon. As no such documentary

evidence is available and as Oikawa does not provide any remedy for the deficiencies of Seki and Liang, Applicants respectfully submit that no *prima facie* obviousness is established and thus request withdrawal of the rejection.

The PTO also admits that “Seki does not discuss the valve structure” referring to claims 25-28. The PTO, however, asserts that the claimed arrangement of the valves “is an obvious expedient to permit servicing one portion without exposing the whole apparatus to air, and also to permit multiple system use wherein the flow is diverted to a second system while the first is regenerated/repared or depressurized.” Furthermore, the PTO asserts that “the valve system of claims 25 and 27 is an obvious expedient to permit flexibility in how the system used.” The PTO does not provide any documentary evidence for such assertions. Applicants respectfully request the PTO to provide a support for the assertions with respect to elements (i)-(iii) of claims 25-26 and elements (i)-(viii) of claims 27-28. As no such support is available and as neither Oikawa, nor Liang remedy the deficiencies of Seki, Applicants respectfully submit that no *prima facie* obviousness is established and thus request withdrawal of the rejection.

With respect to claims 24, 26 and 28 reciting a heat treated carbon fiber, the PTO combines Seki and Liang with Oikawa. In particular, the PTO asserts “Oikawa teaches in col. 1 active carbon as a sorbent; using this form is an obvious expedient to provide the active carbon desired by Seki.” The PTO, however, does not provide any documentary evidence in support of the assertion. In the absence of such evidence and in the absence of any suggestion or motivation to combine the references to arrive at the claimed invention, Applicants respectfully submit that the PTO failed to establish *prima facie* obviousness. Accordingly, Applicants request withdrawal of the rejection.

Claims 23-28 stand rejected as obvious over Nishino (US 4,256,728) taken with Oikawa (US 4,831,011) in view of Liang (5,462,908). Applicants respectfully traverse.

The PTO admits that “Nishino does not teach that carbon which has the claimed oxygen level or the fiber form.” With respect to the oxygen level of carbon, the PTO combines Nishino with Liang, which, according to the PTO, “provides evidence that bromine

treatment reduces the surface oxygen content.” Based on the combination of Nishino and Liang, the PTO asserts that arriving “at the claimed oxygen level, if not inherently possessed, is an obvious expedient to optimize the bed activity.” The PTO, however, does not provide any documentary evidence to support such an assertion. Without the documentary evidence, Applicants find it difficult to address the rejection in a principled manner. Accordingly, Applicants respectfully request the PTO to provide a documentary evidence to support the assertion on the oxygen level of carbon. As no such evidence is available and as Oikawa does not provide any remedy for the deficiencies of Nishino and Liang, Applicants respectfully submit that no *prima facie* obviousness is established and thus request withdrawal of the rejection.

The PTO also admits that “Nishino does not discuss the valve structure” referring to claims 25-28. The PTO, however, asserts that the claimed arrangement of the valves “is an obvious expedient to permit servicing one portion without exposing the whole apparatus to air, and also to permit multiple system use wherein the flow is diverted to a second system while the first is regenerated/repared or depressurized.” Furthermore, the PTO asserts that “the valve system of claims 25 and 27 is an obvious expedient to permit flexibility in how the system used.” The PTO does not provide any documentary evidence for such assertions. Applicants respectfully request the PTO to provide a support for the assertions with respect to elements (i)-(iii) of claims 25-26 and elements (i)-(viii) of claims 27-28. As no such support is available and as neither Liang, nor Oikawa remedy the deficiencies of Nishino, Applicants respectfully submit that no *prima facie* obviousness is established and thus request withdrawal of the rejection.

With respect to claims 24, 26 and 28 reciting a heat treated carbon fiber, the PTO combines Nishino and Liang with Oikawa. In particular, the PTO asserts “Oikawa teaches in col. 1 active carbon as a sorbent; using this form is an obvious expedient to provide the active carbon desired by Nishino.” The PTO, however, does not provide any documentary evidence in support of the assertion. In the absence of such evidence and in the absence of any other suggestion or motivation to combine the references to arrive at the claimed invention, Applicants respectfully submit that the PTO failed to establish *prima facie* obviousness. Accordingly, Applicants request withdrawal of the rejection.

CONCLUSION

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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